



16621

RECEIVED JUN 16 2 2003 TECH CENTER 1600/2900

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Complete if Known		
	Application Number	09/986,381	
	Filing Date	November 8, 2001	
	First Named Inventor	Steven S. SOMMER et al.	
	Examiner Name	Shar S. Hashemi	
	Group Art Unit	1637	
Total Number of Pages in This Submission		Attorney Docket Number	1954-360
<b>ENCLOSURES (check all that apply)</b>			

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form                     | <input type="checkbox"/> Assignment Papers  | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input checked="" type="checkbox"/> Fee Attached                             | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> Amendment/Reply                                     | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Terminal Disclaimer  | 1. <b>Response to Restriction Requirement</b>  |
| <input checked="" type="checkbox"/> Information Disclosure Statement         | <input type="checkbox"/> Request for Refund   | 2. <b>PTO/SB/08 w/Twenty-five (25) cited references</b>                                    |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> CD, Number of CD(s)  |  |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    |   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

REMARKS:

SUBMITTED BY		Complete (if applicable)			
NAME AND REG. NUMBER	Martha Cassidy, Reg. No. 44,066				
SIGNATURE		DATE	June 9, 2003	DEPOSIT ACCOUNT USER ID	02-2135

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**FEE TRANSMITTAL  
for FY 2003  
(Small Entity)**

Complete if Known

Application Number	09/986,381
Filing Date	November 8, 2001
First Named Inventor	Steven S. Sommer et al.
Examiner Name	Shar S. Hashemi
Group Art Unit	1637

Total Amount of Payment (\$ 180.00)

Attorney Docket Number 1954-360

**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck

☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status.

2. ☒ Payment Enclosed:

☒ Check

☐ Credit Card

**FEE CALCULATION**

**1. FILING FEE**

Fee Code	Fee \$	Fee Description	Fee Paid
2001	375	Utility filing fee	[ ]
2002	165	Design Filing Fee	[ ]
2003	260	Plant Filing Fee	[ ]
2004	375	Reissue Filing Fee	[ ]
2005	80	Provisional Filing Fee	[ ]

**SUBTOTAL \$**

**2. CLAIMS**

Total Claims	Independent Claims	Multiple Dependent Claims	Extra Claims	Fee \$	Fee Paid
[ ]	[ ]	[ ]	- 20** = [ ]	x \$ 9 = [ ]	[ ]
[ ]	[ ]	[ ]	- 3** = [ ]	x 42 = [ ]	[ ]
[ ]	[ ]	[ ]	+ 140 = [ ]		[ ]

\*\*or number previously paid, if greater;

**SUBTOTAL \$**

**FEE CALCULATION (continued)**

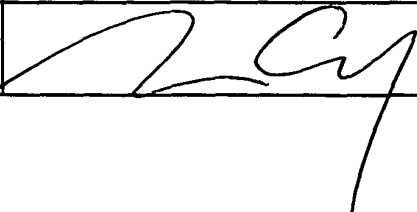
**3. ADDITIONAL FEES**

Fee Code	Fee Paid	Fee Description	Fee Paid
2051	65	Surcharge - late filing fee or oath	[ ]
2052	25	Surcharge - late provisional filing fee or cover sheet	[ ]
1053	130	Non-English specification	[ ]
1812	2,520	For filing a request for reexamination	[ ]
1804	920	Requesting publication of SIR prior to Examiner action	[ ]
1805	1,840*	Requesting publication of SIR after Examiner action	[ ]
2251	55	Extension for reply within first month	[ ]
2252	205	Extension for reply within second month	[ ]
2253	465	Extension for reply within third month	[ ]
2254	725	Extension for reply within fourth month	[ ]
2255	985	Extension for reply within fifth month	[ ]
2401	160	Notice of Appeal	[ ]
2402	160	Filing a brief in support of an appeal	[ ]
2403	150	Request for Oral Hearing	[ ]
1451	1,510	Petition to institute a public use proceeding	[ ]
2452	55	Petition to revive -unavoidable	[ ]
2453	650	Petition to revive - unintentional	[ ]
2501	650	Utility issue fee (or reissue)	[ ]
2502	235	Design issue fee	[ ]
2503	315	Plant issue fee	[ ]
1460	130	Petitions to the Commissioner	[ ]
1807	50	Processing fee under 37 CFR 1.17(q)	[ ]
1806	180	Submission of Information Disclosure Statement	[180.00]
8021	40	Recording each patent assignment per property (times number of properties)	[ ]
2809	375	Filing a submission after final rejection (37 CFR .129(a))	[ ]
2810	375	For each additional invention to be examined (37 CFR 1.129(b))	[ ]
2801	375	Request for Continued Examination (RCE)	[ ]
1802	900	Request for expedited examination of a design application	[ ]
1504	300	Publication fee for early, voluntary, or normal publication	[ ]
1505	300	Publication fee for republication	[ ]
1455	200	Filing an application for patent term adjustment	[ ]
1456	400	Request for reinstatement of term reduced	[ ]
Other fee (specify)			[ ]

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL**

**\$180.00**

SUBMITTED BY		Complete (if applicable)			
NAME AND REG. NUMBER	Martha Cassidy, Reg. No. 44,066				
SIGNATURE		DATE	June 9, 2003	DEPOSIT ACCOUNT USER ID	02-2135

**IN THE  
UNITED STATES  
PATENT AND TRADEMARK  
OFFICE**

Application No.	09/986,381
Filing Date	November 8, 2001
First Named Inventor	Steven S. Sommer, et al.
Group Art Unit	1637
Examiner Name	Shar S. Hashemi
Attorney Docket No.	1954-360

*Title of the Invention:*    **Measurement of Mutation Load Using the p53 Gene in Human Cells  
From Paraffin Embedded Tissues**

**RESPONSE TO RESTRICTION REQUIREMENT**


Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated May 7, 2003, (June 7, 2003 being a Saturday). Applicants elect the primer pair of SEQ ID NOS: 1 and 2. This election is made with traverse.

Applicants would like to point out that the invention described and claimed in this application is not limited to methods employing a particular primer pair and that no primers are recited in independent claim 1. The invention relates to a method involving amplifying DNA in a somatic cell identified as having elevated p53 and determining the frequency or nature of mutations in the amplified DNA. The invention is not limited to amplification of particular, defined DNA regions or to particular, defined amplification primers and therefore should be examined in its full scope, regardless of the fact that some dependent claims recite embodiments of the invention involving a particular primer set.

Applicants therefore request examination of claims 1-15 and 20-24 at this time and rejoinder of claims 19 and 25 should a generic claim be found allowable.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Martha Cassidy, Registration No.: 44,066				
SIGNATURE				DATE	June 9, 2003
ADDRESS	Rothwell, Figg, Ernst & Manbeck Suite 800, 1425 K Street, N.W.				
CITY	Washington	STATE	D.C.	ZIP CODE	20005
COUNTRY	U.S.A.	TELEPHONE	202-783-6040	FAX	202-783-6031

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